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C O N F I D E N T I A L TUNIS 001620

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STATE FOR S/CT AND NEA/MAG (HARRIS AND HOPKINS);
NSC FOR RAMCHAND

E.O. 12958: DECL: 12/30/2017
TAGS: [PTER](#) [PHUM](#) [KDEM](#) [PGOV](#) [PREL](#) [PINR](#) [TS](#)
SUBJECT: 30 CONVICTED OF INVOLVEMENT IN DEC 2006/JAN 2007
TERRORIST INCIDENTS

REF: A. TUNIS 1328
[1](#)B. TUNIS 154 AND PREVIOUS

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

SUMMARY

[1](#)1. (C) On December 30, the Tunis Court of First Instance sentenced 30 Tunisians to punishments from death to five years in prison for their involvement in the December 2006/January 2007 terrorist incidents. Many of the defendants, known as the "Soliman Group," denied their involvement and alleged they signed confessions after being tortured by the security services. Despite GOT reports to the contrary, no evidence was presented that US or UK interests were among the group's targets. The trial was marked by significant hostility among the judge, defendants and lawyers, who complained that the trial was not fair and the outcome was predetermined. End Summary.

CHARGES

[1](#)2. (SBU) The 30 Tunisian defendants, whose ages range from 22-43, were accused of attempting to unseat the government, attempting to commit terrorist acts, murder with intent, attempted murder, possession of weapons and explosives to commit terrorist acts, and belonging to an illegal organization (Ref A). The almost 2,000 pages of government evidence, which included confessions by most of the accused, alleged the 30 were members of "Assad Ibn Fourat's Army," which planned to carry out terrorist attacks in Tunisia in late December 2006 and January 2007 (Ref B). The trial was first convened on November 27, and subsequent sessions were held in a packed courtroom at the Tunis Palace of Justice on December 1, 15, 22 and 29. (Note: PolOff attended the four December sessions. End Note.) In the final appearance, which lasted over 12 hours, all thirty defendants were found guilty. Two were sentenced to death, eight to life in prison, seven to 30 years, two each to 20 years, 15 years, ten and five years, and one each to seven and six years. Defense lawyers plan to appeal the judgments.

DENIALS AND TORTURE ALLEGATIONS

[1](#)3. (SBU) Almost all of the defendants denied any involvement in terrorist activity, including shooting at security forces and detonating explosives during the December/January clashes. One was accused of attempting to blow up the

Central Bank in Tunis and other security areas (nfi), but there was no specific mention of other targets. Noticeably absent was any reference to the targeting of US and UK interests in Tunisia, as had been reported to us and publicly announced by senior Tunisian officials in early 2007. Most defendants denied that they had been captured at what the court described as a terrorist camp or had undertaken any terrorist training.

14. (SBU) During the trial, many of the defendants alleged that they had been tortured by GOT security services. The accused stated that they had been tortured both at the Ministry of Interior in Tunis and at the Mornaguia prison where they have been detained for much of 2007. Some stated that they were arrested before the official date of their arrest, and were subjected to torture during the intervening days and weeks. Several cited their torturers by (partial) name, and one defendant claimed he had been tortured in the presence of Minister of Interior Rafik Belhaj Kacem.

FAIR TRIAL?

15. (SBU) Independent lawyers, including several political and human rights leaders, argued that the trial was marked by procedural errors. Defense lawyers asked the judge repeatedly for a delay to allow them to read the almost 2,000 page dossier and prepare for trial. Several lawyers reported they had been unable to meet with their clients, despite having visit permits. Although the judge did postpone the hearing three times, when the court reconvened on December 29 judge Mehrez Hammami announced there would be no further postponements despite the repeated requests of the dean of the Tunisian Bar Association to allow defense lawyers to

adequately prepare. When the judge refused to acknowledge Dean Bechir Essid late on December 29, many defense lawyers withdrew from the courtroom in protest; the proceedings continued.

16. (C) Throughout the tense and hostile trial, the judge, lawyers and defendants regularly argued and shouted at and over each other. Lawyers accused the judge of rushing to reach a verdict and not respecting the legal profession by allowing lawyers time to prepare for trial. Lawyers argued that the less than ten minutes of court questioning of the defendants amounted to less than a minute of questioning for each charge, despite the fact that some faced the death penalty. On many occasions, the judge refused to ask the defendants questions raised by defense attorneys about their torture allegations. A lawyer observing the trial told PolOff that the perfunctory questioning was unprecedented in a case with such serious allegations, saying "Any judge interested in justice would ensure the accused had an opportunity to respond to all questions." Another lawyer argued that the judge was only looking for evidence of guilt, not evidence of innocence. The judge directed the court recorder to ignore some of the defendants' denials and allegations of torture. On several occasions, the judge refused to acknowledge defense attorneys who had questions for their clients or refused to recognize attorneys at all.

17. (C) Defendants were also hostile to the judge, in some cases refusing to address him and arguing over his instructions. One frustrated defendant told the judge, "There is no difference between you and the police." In response, the judge ordered this defendant, and later another, be removed from the courtroom. Other defendants shouted religious slogans during the trial, including "Only God can judge us!" and "God is great!" Family members of the accused, only twenty or so were allowed to attend, were similarly disruptive at points during the trial, particularly in early sessions. Yet the court overflowed with defense attorneys (almost fifty), uniformed and plainclothes police (almost fifty) and a large number of lawyers not involved in the case who had come to observe. (Note: Police controlled access to the court, but cannot prevent lawyers from entering

the Palace of Justice. End Note.)

COMMENT

18. (C) The judge's insistence on continuing the trial into the night of December 29 and the final decision being issued on a Sunday (when courts are usually closed) would seem to indicate that he was determined to issue a judgment, despite defense objections. While we do not doubt that members of the group may have had terrorist intentions, the trial proceedings did not meet the basic definition of fairness. Indeed, other than their own admissions and subsequent denials, there was little evidence of the guilt or innocence of the accused. End Comment.

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